

## **REMARKS**

In view of the above amendments and following remarks, reconsideration of the present application is respectfully requested.

By this amendment, the specification has been amended to insert “Cross-Reference to Related Applications” which contains information consistent with the filing receipt.

Further by this amendment, claims 1-4 and 6-7 have been cancelled, claims 5, 8-10 have been amended and claims 11-12 have been newly added. It is submitted no new matter has been added and support for new claims 11-12 can be found, for example, at least by Figure 1 and the corresponding description of such figures contained in the specification.

The Applicants appreciate the courtesy extended by Primary Examiner Huy Nguyen for conducting a personal interview with the Applicants’ representative on December 9, 2009 at the United States Patent and Trademark Office. As noted on the Interview Summary (PTOL-413), agreement was reached during the interview regarding allowability of the claims over the prior art. Included next is a Statement of the Substance of the Interview.

Claims 1-4 have been rejected under 35 U.S.C. 101 for the reasons contained on page 2 of the office action. It is submitted that this rejection is rendered moot since claims 1-3 have been cancelled.

Claim 9 has been rejected under 35 U.S.C. 101 for the reason contained on page 2 of the office action. Specifically, the Examiner has noted that claim 9 is directed to a program without specifying that the program is stored on a computer readable medium. By this amendment, claim 9 has been amended to recite that the program is stored on a non-transitory computer-

readable medium as agreed to during the personal interview. Accordingly, withdrawal of the 35 U.S.C. 101 rejection against claim 9 is respectfully requested.

Claims 5 and 9-10 have been rejected under 35 U.S.C. 102(e) and Claims 1-4 and 6 have been rejected under 35 U.S.C. 103(a).

It is noted with appreciation, that the Examiner has indicated, in paragraph 8 of the Office action, that dependent claims 7-8 contained allowable subject matter.

Without intending to acquiesce to the aforementioned prior art rejection and in order to expedite allowance of this application, the allowable subject matter of dependent claim 7 has been incorporated into independent claim 5. Accordingly, it is submitted that independent claim 5 is clearly allowable.

Moreover, it is noted that each of independent claims 9 and 10 are computer program and playback method claims, respectively, corresponding to playback apparatus claim 5. Accordingly, each of independent claims 9 and 10 has been amended to also incorporate the allowable subject matter of dependent claim 7. Thus, it is submitted that independent claims 9 and 10 are allowable.

Lastly, it is noted that newly added independent claim 11 is directed towards a playback system and has been drafted to include the allowable features recited in independent playback apparatus claim 5. Accordingly, it is submitted that new independent claim 11 is allowable at least for the same reasons as independent claim 5.

In view of the foregoing, it is submitted that each of independent claims 5 and 9-11, as well as claims 8 and 12 dependent therefrom, is clearly allowable and the Examiner is kindly requested to promptly pass this case to issuance.

In the event, however, that the Examiner has any comments or suggestion of a nature necessary to place this case in condition for allowance, then the Examiner is kindly requested to contact the Applicant's representatives to expedite allowance of this application.

Respectfully submitted,

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